

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noah Kim	Team: Squad #9	CCRB Case #: 202006578	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/29/2020 11:23 AM	Location of Incident: Williams Avenue and Sutter Avenue	Precinct: 75	18 Mo. SOL 3/29/2022	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 09/29/2020 3:36 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 09/29/2020 3:36 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Godwin Ngai	01239	954175	PSA 2
2. POM Abir Noor	21625	959847	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Abir Noor	Off. Language: Police Officer Abir Noor made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	
B.POM Godwin Ngai	Abuse: Police Officer Godwin Ngai threatened § 87(2)(b) with the use of force.	
C.POM Godwin Ngai	Force: Police Officer Godwin Ngai used physical force against § 87(2)(b)	
D.POM Godwin Ngai	Discourtesy: Police Officer Godwin Ngai spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

### Case Summary

On September 29, 2020, § 87(2)(b) filed this complaint with the CCRB via the CCRB's on-line website [BR01].

On September 29, 2020, at approximately 11:23 a.m., at the intersection of Williams Avenue and Sutter Avenue in Brooklyn, § 87(2)(b) was taking out trash while at work as a New York City Housing Authority (NYCHA) employee. Police Officer Abir Noor and Police Officer Godwin Ngai, both of Police Service Area 2 (PSA 2), drove past § 87(2)(b) in an unmarked police vehicle. PO Noor allegedly said to § 87(2)(b) "What's up faggot?" (**Allegation A: Offensive Language**, § 87(2)(g)). The officers parked their vehicle on Sutter Avenue outside of the PSA 2 stationhouse. PO Ngai allegedly began to take his shirt off and asked § 87(2)(b) if he wanted to fight (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) walked away toward the direction of the NYCHA building. PO Ngai allegedly pushed § 87(2)(b) in the chest with both of his hands, (**Allegation C: Force**, § 87(2)(g)) told § 87(2)(b) to "Fuck out of here," and then walked away (**Allegation D: Discourtesy**, § 87(2)(g)).

No arrests were made nor summonses issued as a result of this incident.

§ 87(4-b), § 87(2)(g)

Stationhouse footage was not available for this incident [BR03].

### **Allegation (A) Offensive Language: Police Officer Abir Noor made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)**

§ 87(2)(b) stated that on September 29, 2020, at approximately 11:23 a.m., at the intersection of Sutter Avenue and Williams Avenue in Brooklyn, § 87(2)(b) was taking the trash out of the NYCHA building where he worked. PO Noor and PO Ngai drove by him in a black Ford unmarked police vehicle. PO Noor said, "What's up?" to § 87(2)(b). § 87(2)(b) replied, "Do I know you?" PO Noor then responded, "What's up faggot?" § 87(2)(b) did not respond, and the officers drove around the corner to the PSA 2 stationhouse which was next to the NYCHA building.

§ 87(2)(b) identified § 87(2)(b) and § 87(2)(b) as witnesses; however, § 87(2)(b) was unavailable to the investigation and § 87(2)(b) was uncooperative with the investigation.

PO Noor stated he was driving an unmarked police vehicle with PO Ngai in the front passenger's seat back to the PSA 2 stationhouse after getting coffee. At the intersection of Williams Avenue and Sutter Avenue in Brooklyn, the officers saw § 87(2)(b) a NYCHA custodian, on the sidewalk. § 87(2)(b) was not familiar to PO Noor. PO Noor said, "Good morning" to § 87(2)(b). § 87(2)(b) told the officers that he did not speak to cops and that he recognized PO Noor. The officers did not respond, and they proceeded to drive onto Sutter Avenue and park the vehicle outside of the PSA 2 stationhouse. PO Noor stated that neither he nor PO Ngai ever called § 87(2)(b) a "faggot."

PO Ngai's statement was generally consistent with PO Noor's, except where noted below. After one of the officers said, "Good morning," § 87(2)(b) told the officers not to talk to him if they did not know him. § 87(2)(b) furthered that the officers were a couple of "fucking faggots," because they were in a vehicle together and because they were police officers. PO Ngai told § 87(2)(b) to have a nice day. PO Noor did not say anything. The officers proceeded to park the vehicle outside the stationhouse. PO Ngai stated that neither he nor PO Noor ever called § 87(2)(b) a "faggot."

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Godwin Ngai threatened § 87(2)(b) with the use of force.**

**Allegation (C) Force: Police Officer Godwin Ngai used physical force against § 87(2)(b)**

**Allegation (D) Discourtesy: Police Officer Godwin Ngai spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated that PO Ngai and PO Noor continued driving down the street and parked in front of the PSA 2 stationhouse. § 87(2)(b) walked up to them and told PO Noor that it was disrespectful for PO Noor to address him in that manner. PO Noor denied saying anything disrespectful to § 87(2)(b) and walked into the stationhouse. PO Ngai began to laugh and after § 87(2)(b) repeated that they should not disrespect him, PO Ngai began to take his uniform off and asked § 87(2)(b) if he wanted to fight. § 87(2)(b) proceeded to walk away. PO Ngai pushed § 87(2)(b) in his chest with both hands and told § 87(2)(b) to “fuck out of here” before walking away toward the stationhouse.

As noted above, § 87(2)(b) and § 87(2)(b) were identified as witnesses by § 87(2)(b) however, the investigation was unable to obtain a statement from either of them.

PO Ngai stated that after he and PO Noor parked outside the stationhouse, § 87(2)(b) approached the officers. PO Noor went inside the stationhouse. § 87(2)(b) repeatedly threatened PO Ngai and told PO Ngai that he would see him when he got off work. § 87(2)(b) also repeatedly called PO Ngai a “stupid chink” and a “motherfucker.” PO Ngai repeatedly told § 87(2)(b) to “go away” and to “just go.” § 87(2)(b) approached PO Ngai and PO Ngai extended his arm and his hand out toward § 87(2)(b) and told him not to do this and that he needed to go. PO Ngai did not recall if he made any physical contact with § 87(2)(b) but stated that it was possible he made contact with § 87(2)(b)'s chest. PO Ngai extended his arm in this manner to prevent § 87(2)(b) from crossing the metal barrier. PO Ngai did not recall if he pushed § 87(2)(b). PO Ngai did not recall if he ever asked § 87(2)(b) if he wanted to fight. PO Ngai did not recall if he ever told § 87(2)(b) to “fuck out of here.”

PO Noor stated that as the officers exited their vehicle, § 87(2)(b) walked up to them and told them that they were “faggots” and “pussies” and that they should take their badges off so he could “fuck [them] up.” § 87(2)(b) told the officers that they were nobody without their badge and that he wanted to fight them. § 87(2)(b) furthered that he would see the officers when they got off work. PO Noor told § 87(2)(b) to leave the area. PO Noor stated that PO Ngai never asked § 87(2)(b) to fight and he did not recall if PO Ngai made any physical contact with § 87(2)(b). PO Noor proceeded to go back in the stationhouse while § 87(2)(b) continued to talk to PO Ngai.

Both PO Ngai and PO Noor had memo book entries stating they had a pick-up of a disorderly male who made multiple threats toward them, stating, “I’ll see you at 4 when you get off.” The male was advised by officers to leave multiple times, but he insisted on threatening the officers [BR05, BR06].

Stationhouse footage was not available for this incident and neither officer activated their BWCs.

§ 87(2)(g)  
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§ 87(4-b), § 87(2)(g) \_\_\_\_\_

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§ 87(4-b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first complaint that § 87(2)(b) has been party to [BR07].
- PO Noor has been a member of service for five years. During his tenure he has been the subject of 13 allegations over eight previous complaints. None of these allegations have been substantiated.
- PO Ngai has been a member of service for eight years. During his tenure he has been the subject of 21 allegations over nine previous complaints.
  - CCRB 201904342 contained allegations of Abuse of Authority: Failure to provide RTKA card and Abuse of Authority: Vehicle search. These allegation were substantiated and resulted in Command Level Instructions.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint § 87(2)(b)
- A FOIL request sent to the New York City Office of the Comptroller for Mr. Gilchirst regarding the incident on September 29, 2020, is pending [BR08].
- § 87(2)(b), § 87(2)(c)

Squad No.: 9

Investigator:	<u>Noah Kim</u>	<u>Investigator Kim</u>	<u>05/17/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>8/31/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date